

REMARKS

Claims 4-6, 9, 10, 14-16, 27-33, and 35-40 are pending in the present application. By the present amendment, claims 1-3, 7, 8, 11-13, 17-26, and 34 have been cancelled, claims 4-6, 9, 14-16, and 27-33 have been amended, and claims 35-40 have been added. Claims 35 and 40 are the only pending independent claims.

The drawings, claims, and specification have been amended to address the objections and other matters of form raised in the Office Action of December 8, 2003. Applicant thanks the Examiner for his close attention to these matters.

Regarding the presently pending claims and the art cited in the outstanding Office Action, the applicant notes that the grounds of rejection presented in the Office Action are arguable moot in view of the cancellation of the previously pending independent claims and the presentation of new independent claims 35 and 40. Specifically, claims 35 and 40 include recitations supported by the original specification but not expressly present in the original claims. Applicant has reviewed the subject matter of the cited references and respectfully submits that the recitations of claims 35 and 40 are not disclosed in or suggested by the cited references.

For example, independent claim 35 recites, among other things:

electronic image fusion circuitry configured to
process said first output representing said first spectral
range and said second output representing said second
spectral range by converting respective visible and infrared
images represented by said first and second outputs to a
consistent pixel and size format such that pixel-by-pixel
data fusion is realized at said display device.

Support for these recitations may be found on pages 22, 24, and 28 of the specification. None of the cited references suggest such an approach to image fusion. The Horn patent (US 6,335,526) was cited in the Office Action as teaching a fused image but the claims

now presently pending in the application go well beyond the type of image fusion contemplated in Horn. No aspect of the Horn patent even remotely suggests electronic image fusion circuitry configured to process separate visible and infrared images by conversion to consistent pixel and size formats such that pixel-by-pixel data fusion is realized. The Horn patent is devoid of any suggestion that image fusion should be conducted on a pixel-by-pixel basis by converting the respective images to consistent pixel and size formats. The remaining references are similarly deficient.

Independent claim 40 recites, among other things:

an objective lens common to said first and second
sensors between said aperture and said beam splitter,
wherein said common objective lens is arranged to allow
radiation in at least a portion of said first spectral range and
at least a portion of said second spectral range to pass there
through and comprises a composite lens free of crystal
germanium and comprising elements ZnSe - $\text{Ge}_{33}\text{As}_{12}\text{Se}_{55}$ -
ZnSe.

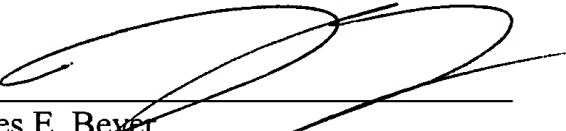
Support for these recitations may be found on page 13 of the specification. None of the cited references suggest such a composite lens. The Owen and Neil patents (US 5,497,266 and 4,632,498) were cited in the Office Action as teaching specific lens materials but claim 40 goes well beyond the lens compositions disclosed in these patents and the other references of record. No aspect of the Owen or Neil patents even remotely suggests providing a composite objective lens free of crystal germanium and comprising elements ZnSe - $\text{Ge}_{33}\text{As}_{12}\text{Se}_{55}$ - ZnSe. The Neil patent, for example, expressly teaches lens systems components constructed of Ge. The remaining references are similarly deficient.

CONCLUSION

Applicants respectfully submit that the present application is in condition for allowance. The Examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully solicited.

Respectfully submitted,

DINSMORE & SHOHL L.L.P.

By 
James E. Beyer
Registration No. 39,564

One Dayton Centre
One South Main Street, Suite 500
Dayton, Ohio 45402-2023
Telephone: (937) 223-2050
Facsimile: (937) 223-0724
e-mail: james.beyer@dinslaw.com